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Paper 28
Filed: February 9, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Merck Patent Gmbh,
Junior Party
(Application 10/239,566,
Inventors: Friedrich Rippmann and Klaus Ducker),
v.
Lexicon Genetics Inc.,
Senior Party
(Patent 7,229,790
Inventors: Carl Johan Friddle and Brenda Gerhardt, and Yi Hu).

Patent Interference 105,594 (RES)
Technolgy Center 1600

Before: RICHARD E. SCHAFER, JAMESON LEE, and
MICHAEL P. TIERNEY, Administrative Patent Judges.
SCHAFER, Administrative Patent Judge

Judgment - Request for Adverse - Bd.R. 127(b)

- 1 Merck has filed a notice of abandonment of the contest (Paper 27).
- 2 An abandonment of the contest is construed as a request for adverse
- 3 judgment. 37 CFR § 41.127(b)(4). Accordingly, it is

cc (electronic filing):

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